

Minutes

Santee City Council Community Development Commission Santee Public Financing Authority

**Council Chambers
10601 Magnolia Avenue
Santee, California**

September 26, 2007

This Regular Meeting of the Santee City Council, Community Development Commission and the Santee Public Financing Authority was called to order by Mayor/Chairperson/Chair Randy Voepel at 7:03 p.m.

Council Members present were: Mayor/Chairperson/Chair Randy Voepel and Council/Commission/Authority Members Jack E. Dale, Brian W. Jones and Hal Ryan. Vice Mayor/Vice Chairperson/Vice Chair John W. Minto was absent.

Staff present were: City Manager/Executive Director/Secretary Keith Till, City/Commission/Authority Attorney Shawn Hagerty, Deputy City Manager/ Director of Development Services Gary Halbert, Director of Fire and Life Safety Mike Rottenberg, Director of Human Resources Jodene Dunphy, Assistant to the Executive Director Pam White, City Engineer Steve Cresswell, City Planner Melanie Kush, Recreation Services Manager Sue Richardson, Santee Sheriff's Captain Patricia Duke, City Clerk/Commission Secretary Linda Troyan, and Deputy City Clerk/Deputy Commission Secretary Patsy Bell.

(Note: Hereinafter the titles Mayor, Vice Mayor, Council Member, City Manager, City Attorney, City Clerk and Deputy City Clerk shall be used to indicate Mayor/Chairperson/Chair, Vice Mayor/Vice Chairperson/Vice Chair, Council/Commission/Authority Member, City Manager/Executive Director/Secretary, City/Commission/Authority Attorney, City Clerk/Commission Secretary, Deputy City Clerk/ Deputy Commission Secretary.)

INVOCATION: Pastor Tami Ashland, New Heights Community Church

PLEDGE OF ALLEGIANCE AND FLAG SALUTE: Cub Scout Pack #383 Den 3 and Den Leader Sandra Holloway

PRESENTATION: **Santee Mobile Homeowners Action Committee, Inc. (SMOAC)**
Roger Simpson, Vice President of SMOAC, and Kathy Roberts presented each Council Member with an appreciation plaque and thanked them for the City's continued support.

ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:

Council Member Jones requested Item 1(E) be pulled from the Consent Calendar for discussion.

1. CONSENT CALENDAR:

- (A) Approval of Reading by Title Only and Waiver of Reading in Full of Ordinances on Agenda.**
- (B) Second Reading and Adoption of an Ordinance of the Santee City Council Amending Table 17.10.040-A of Chapter 17.10 of the Santee Municipal Code and the Zone District Map. (ORD 471)**
- (C) Approval of Payment of Demands as Presented.**
- (D) Rejection of all Bids for the Town Center Community Park Phase 2, CIP 2006-33.**

ACTION: On motion of Council Member Jones, seconded by Council Member Dale, the Agenda and Consent Calendar were approved as amended with all voting aye, except Vice Mayor Minto who was absent.

Item Removed from Consent Calendar:

- (E) Authorization of a Change Order to West Coast Arborists, Inc. for Tree Trimming, Removal of Dead Plant Material and Related Services at Mast Park Not to Exceed \$110,000.**

Council Member Jones requested clarification on the proposed work, specifically if the required work is due to lack of regular maintenance. Recreation Services Manager Richardson responded that it was not, but rather due to the fact that a portion of the park has been maintained as open space and therefore left in a more natural state up to this point.

Entered Into the Record: Public Services Manager Bob Stein provided a map of Mast Park showing the targeted areas for clean-up.

ACTION: On motion of Council Member Jones, seconded by Council Member Dale, a change order to West Coast Arborists, Inc in an amount not to exceed \$110,000 for Mast Park tree Trimming, Removal of Dead Plant Material and Related Services was approved with all voting aye, except Vice Mayor Minto who was absent.

2. PUBLIC HEARINGS:

- (A) Public Hearing for Tentative Parcel Map (TPM07-02) and Development Review Permit (DR07-04) for a Four Lot Residential Subdivision of a 3.78 Acre Property and the Construction of Three Single Family Residences at 8504 Atlas View Drive in the R2 Low-Medium Density Residential Zone. Applicants: Mark and Laurie Miller**

The Public Hearing opened at 7:15 p.m. Deputy City Manager/Director of Development Services Halbert introduced Associate Planner Josh McMurray who then presented the staff report utilizing PowerPoint. Associate Planner McMurray, Deputy City Manager/Director of Development Services Halbert and City Engineer Cresswell answered Council's questions.

Public Speakers: Mark & Laurie Miller, applicants, spoke in support of the project and asked Council for a waiver of two of the conditions; street widening and underground fees.

MOTION: After discussion, it was moved by Council Member Dale, and seconded by Mayor Voepel, to approve the Mitigated Negative Declaration as complete and in compliance with the provisions of the California Environmental Quality Act and adopt the two Resolutions approving Development Review Permit DR07-04 and Tentative Map TPM07-02 with the amendment to remove the underground fee requirement.

During further discussion Council Member Jones requested a continuance to the next meeting so that staff could bring back additional information regarding the areas discussed; mainly street widening and undergrounding utilities.

WITHDRAWN MOTION: Council Member Dale and Mayor Voepel withdrew their motion and second.

ACTION: On motion of Mayor Voepel, seconded by Council Member Jones, the Public Hearing was continued to October 10, 2007 to allow staff to gather additional information regarding street widening and undergrounding of utilities for Council's consideration, with all voting aye, except Vice Mayor Minto who was absent.

(B) Continued Public Hearing for a Conditional Use Permit (P06-02) to Establish a Permanent Biological Habitat Preserve and Provide for a Short-Term Sand Mining Operation Located Along the South Side of the San Diego River Between Magnolia Avenue and Cuyamaca Street and a Temporary Stockpile Area West of Cottonwood Avenue in the P/OS and TC Zones. Applicant: County of San Diego and EnviroMINE Inc. (Continued from 7/11/07) (Reso 77-2007)

The Public Hearing opened at 8:01 p.m. Deputy City Manager/Director of Development Services Halbert introduced Principal Planner Kevin Mallory who then presented the staff report utilizing PowerPoint.

Entered Into the Record: A memo from staff requesting an Amendment to Condition 4.E.2 in the Resolution.

Public Speakers: Matt Reid, Ryan Companies, and Tom Phelps, RCP, spoke in support of the project and answered Council's questions.

During lengthy discussion, Principal Planner Mallory noted an additional recommendation staff is proposing for the project and that is to work with the applicant on moving the northerly fence line further to the south, ultimately reducing the stockpile footprint.

ACTION: On motion of Council Member Dale, seconded by Council Member Ryan, the Public Hearing was closed at 9:07 p.m.; the Mitigated Negative Declaration was approved as complete and in compliance with the provisions of the California Environmental Quality Act; and the Resolution as amended to include a setback of 200 feet on Condition 4.E.2 and moving the location of the northerly fence toward the south was adopted with all voting aye, except Vice Mayor Minto who was absent.

3. ORDINANCES (First Reading):

(A) An Ordinance of the City of Santee Requiring the Registration of Abandoned Residential Properties.

City Manager Till presented the staff report and answered Council's questions. Council Member Jones noted his opposition to the fees and his concerns with how enforcement would be handled, although he does support the general concept.

ACTION: On motion of Council Member Dale, seconded by Mayor Voepel, the Ordinance was approved for First Reading with all voting aye, except Council Member Jones who voted no and Vice Mayor Minto who was absent.

(B) An Ordinance of the City of Santee Amending Chapter 12.24 of the Santee Municipal Code to Designate Certain Trees on County-Owned Property (Edgemoor) as “Protected” Trees.

Council Member Ryan announced that due to a conflict of interest he would be abstaining from this item and left the Chamber. City Manager Till presented the staff report and was available to answer Council questions.

ACTION: On motion of Council Member Jones, seconded by Mayor Voepel, the Ordinance was approved for First Reading with all voting aye, except Council Member Ryan who abstained and Vice Mayor Minto who was absent.

Mayor Voepel called for a short recess at 9:12 p.m. Council Members reconvened in Open Session at 9:23 p.m. with all Members present except Vice Mayor Minto who was absent.

4. CITY COUNCIL REPORTS: None

5. CONTINUED BUSINESS:

(A) Approval of a Reimbursement Agreement with Lennar Homes, Approval of a Development Impact Fee Reimbursement Agreement and Authorizing the Execution of Professional Services Agreements in Consideration of the Formation of a Mello-Roos Community Facilities District. (Sky Ranch)

City Manager Till introduced the item and provided background information noting that Council’s approval of these items would assist in moving toward a Community Facilities District [CDF]; not approving a CDF tonight. Attorney Warren Diven, Best Best & Krieger LLP, presented information and explained the agreements and the process associated with each.

At Council’s request, David Brodsly, Managing Director of KNN Public Finance, and John Gibson, Managing Director of UBS Investment Bank, provided additional information.

Council Member Dale noted that wording could be added tonight as Section 19 in the Development Impact Fee Reimbursement Agreement to exclude private transfer fees.

Michael L. Levesque, San Diego Division Lennar President, was asked to discuss the project and answer Council’s questions.

Public Speaker: Rusty Williams spoke from a neutral position regarding facilities in the project’s planned park.

MOTION: It was moved by Council Member Jones and seconded by Council Member Ryan to authorize the City Manager to execute a Reimbursement Agreement with Lennar; a Development Impact Fee Reimbursement Agreement with Lennar; and professional services agreements with various financing team consultants.

AMENDMENT MOTION/ACTION: After further discussion, Council Member Jones amended his motion to include adding "Section 19 – No Charitable Endowment or Other Private Real Property Transfer Fees" to the Development Impact Fee Reimbursement Agreement. Council Member Ryan accepted the amendment. The amended motion carried with all voting aye except Mayor Voepel who voted no and Vice Mayor Minto who was absent.

6. **NEW BUSINESS:** None

7. **COMMUNICATION FROM THE PUBLIC:** None

8. **CITY MANAGER REPORTS:** None

9. **COMMUNITY DEVELOPMENT COMMISSION:**
(Note: Minutes appear as Item 1B)

10. **SANTEE PUBLIC FINANCING AUTHORITY:**
(Note: Minutes appear as Item 1B)

11. **CITY ATTORNEY REPORTS:** None

12. **CLOSED SESSION:**

(A) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
(Continued from 9/12/07)
(Gov. Code section 54956.9(b))
Number of Potential Cases: 1

(B) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Subdivision (a) of Government Code section 54956.9)

1. MHC Financing Limited Partnership Two v. City of Santee
San Diego County Superior Court, Case No. GIC777094
2. City of Santee v. MHC Financing Limited Partnership Two
San Diego Superior Court, Case No. GIE020524
3. MHC Financing Limited Partnership Two v. City of Santee
S.D. Cal. Case No. 07CV849

Mayor Voepel reported the items were discussed and direction given to staff for both.

13. ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:24 p.m.

Date Approved: October 10, 2007

/s/Linda A. Troyan
Linda Troyan, Commission Secretary
and for Authority Secretary Keith Till